

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:03cr61WJG-1

DANIEL FERNELL MOORE

ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the motion [32] filed by the Federal Public Defenders Office on behalf of Defendant Daniel Fernell Moore for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008.

The Court has considered the recalculation of Defendant's sentencing as submitted by the United States Probation Office and the record in this matter, and finds that Defendant's sentence should be reduced to 54 months. It is, therefore,

ORDERED AND ADJUDGED, that the motion [32] filed by the Federal Public Defenders Office on behalf of Defendant Daniel Fernell Moore for sentence reduction be, and is hereby, granted in part and denied in part. It is further,

ORDERED AND ADJUDGED that Defendant's request for a sentence of 51 months, the lowest possible sentence provided by his revised guideline range, be, and is hereby, denied, as Defendant's original sentence was not the lowest possible sentence within his original guideline range. It is further,

ORDERED AND ADJUDGED that Defendant's sentence be, and is hereby, reduced from 63 months to 54 months. It is further,

ORDERED AND ADJUDGED that all other terms and provisions of the original judgment, (Ct. R., Doc. 26), remain in full force and effect.

SO ORDERED AND ADJUDGED this the 11th day of December, 2008.

Walter J. Fox III
UNITED STATES SENIOR DISTRICT JUDGE